

REMARKS

The Response filed in response to the Office Action (non-final Office Action) mailed October 26, 2009, is believed to fully address all and every issue raised in the Office Action. Favorable reconsideration on the merits and allowance of the application are respectively requested.

Claims Disposition and Summary of Office Action

Claims 24, 25 and 29-31 are all the claims pending in the application.

Claims 24, 25 and 29-31 were allowed in the previous Office Action and Applicants note that these claims are free of prior art.

In the currently outstanding Office Action, the Amendment filed June 2, 2009, in which the word “silicon” of the term “silicon rubber” was corrected to read “silicone,” was objected to and claims 24, 25 and 29-31 are rejected to under 35 U.S.C. § 112, as allegedly being not described in the specification. In particular, the Examiner requests Applicant to cancel the change of word “silicon” to “silicone,” as the word “silicone” is not described in the specification as filed.

Applicants’ Response

Applicants respectfully traverse the rejection.

Applicants respectfully submit that the amendment of the specification and claims to amend the word “silicon” of “silicon rubber” to “silicone (rubber)” is a correction of an obvious error and should be entered and considered. According to the well-established law, an amendment to correct an obvious error does not constitute new matter where one skilled in the

art would not only recognize the existence of error in the specification, but also the appropriate correction. *In re Odd*, 443 F.2d 1200, 170 USPQ 268 (CCPA 1971); MPEP 2163.07.

It is known in the art that silicones are polymers that include silicon together with carbon, hydrogen, oxygen, and sometimes other chemical elements. Some common forms include silicone oil, silicone grease, silicone rubber, and silicone resin. On the other hand, silicon is a naturally occurring chemical element that is combined with carbon, hydrogen, oxygen and other chemical elements to create the polymer we know as silicone.

Nevertheless, the words “silicone” and “silicon” are often mistaken for one another, not only because of the similarities in their names, but because silicon is indeed one ingredient in the silicone process. To show such common confused use of the words “silicon” and “silicone,” Applicants submit copies of various documents ranging from web searching site’s search results, industry’s product catalogs (webpage version), and to US patents (issued and published applications). See ATTACHMENTS 1 – 9, submitted under a separate cover. In this regard, Applicants note that these attachments are submitted as evidence directed to an issue of patentability raised in an Office action, and the evidence is timely presented, applicant need not satisfy the requirements of 37 CFR 1.97 and 37 CFR 1.98 in order to have the examiner consider the information contained in the document relied on by applicant. MPEP 609.05(c).

Silicones, unlike silicon itself, or quartz, are typically rubbery substances, which find all sorts of applications. So, when the term “silicon” is used in conjunction with a rubber, the term “silicon” means “silicones (silicon based polymer) and, one skilled in the art also understand in the same way.

As the disclosure of the specification and the claim of the present application use the term “silicon” with rubber, one skilled in the art would have recognized that the word “silicon” of the

term “silicon rubber” was an error and that Applicants had intent to mean and had possession of the “silicone rubber” as well as appreciate the correction.

Therefore, the amendment from “silicon” to “silicone” is a correction of obvious typographical error and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number **202-775-7588**.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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